

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:20-cv-88-BO

LISA FAYE REGINO,)
)
Plaintiff,)
)
v.) O R D E R
)
ETHICON, INC. and)
JOHNSON & JOHNSON,)
)
Defendants.)

This matter comes before the Court *sua sponte* based on its authority to manage its docket. Part of MDL 2327 ("Ethicon MDL"), the case was recently transferred to this Court from the Southern District of West Virginia. In its transfer order, the MDL court indicated that discovery has been completed and the parties have had the opportunity to file dispositive and *Daubert* motions, responses, and replies. The case was transferred to this district to promote final resolution.

Pending on the docket is defendants' motion for partial summary judgment with respect to many of the Counts listed on plaintiff's short form complaint. In her response, plaintiff indicates that she will not pursue the Counts listed in defendants' summary judgment motion at trial. Plaintiff intends to pursue only claims for Negligence - Negligent Failure to Warn and Negligent Design (Count I) and Punitive Damages (Count XVII) at trial. Plaintiff requests that defendants' motion be denied as moot.

The Court construes plaintiff's response as voluntary dismissal of all claims except those enumerated in Counts I and XVII. Accordingly, with the exceptions of Counts I and XVII, plaintiff's claims are DISMISSED. Defendants' motion for partial summary judgment [DE 20] is DENIED WITHOUT PREJUDICE AS MOOT.

In the coming weeks, the Court will schedule a status conference to discuss resolution of the case, including any issues remaining before trial.

SO ORDERED, this 17 day of March, 2020.


TERRENCE W. BOYLE
CHIEF UNITED STATES DISTRICT JUDGE